

**REMARKS**

Claims 58-84 are pending. Claims 58-61, 63, 65, 68-73, 77 and 78 have been amended.

Claims 59 and 68 were objected to due to informalities. The present amendment has attended to correction of the informalities noted by the Examiner.

Claims 58-69 and 77-84 were rejected under 35 USC §102(b) as being anticipated by Yamazaki. Favorable reconsideration of this rejection is earnestly solicited.

Claim 58 has been amended to include features set forth in claim 70, which were not rejected over Yamazaki. More specifically, claim 58 is amended to recite that the beam separator separates the secondary electrons from a primary electro-optical system and deflects them toward a detector. In contrast thereto, Yamazaki illustrates in Fig. 9 that a filter 27 passes the secondary electron beams in a straight direction without any deflection.

Independent claim 61 contains a limitation that a spacing between irradiation points of the adjacent primary electron beams is set larger than an extending diameter of back scattered electrons on the sample. Yamazaki does not teach such a limitation.

Independent claim 63 requires a mechanism for adjusting a beam diameter and a beam current of the primary electron beam to maximize an S/N ratio in a particular pattern in an electric signal of the secondary electron beam detected by said detector. Yamazaki does not teach such a limitation.

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Independent claim 77 requires that said beam separator is positioned above said objective lens so that the secondary electrons pass through said objective lens and then are deflected and separated from said primary electro-optical system without entering a second lens from the sample surface. Yamazaki does not teach these features.

Accordingly, Yamazaki does not anticipate claims 58-69 and 77-84, as amended.

Further referring to claim 59, the examiner seems to consider that the coils 41a and 41b in Fig. 5 of Yamazaki constitute a toroidal deflector. However, a toroidal deflector comprises a ferromagnetic or non-magnetic annular core and two coils having the same winding number and wound on the annular core, so that the magnetic force lines generated by the coils have the same magnitude and act in opposite directions, and an electron beam passing through the deflector is deflected by a magnetic field inside the deflector. Therefore, the coils 41a and 41b of Yamazaki do not constitute a toroidal deflector.

In addition, as to claim 60, the deflection amount correcting device corrects an amount of deflection for the primary electron beam in response to the stage moving speed in the present invention. Further, in the present invention, a timing of data capture is controlled synchronously with the clock, which is regardless of the stage moving speed. On the other hand, in Yamazaki, TDI-CCD is controlled in response to a stage moving speed such that TDI captures data every time a stage moves one pixel described in Yamazaki.

Claims 70-76 were rejected under 35 USC §103(a) as being unpatentable over Yamazaki and Tanaka. Favorable reconsideration of this rejection is earnestly solicited.

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Tanaka fails to provide the teachings which Yamazaki lacks, as discussed above. Accordingly, claims 70-76 are patentable over the combination of Yamazaki and Tanaka.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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